

REMARKS

The consideration of transceiver emission frequencies should focus on received frequencies instead, i.e., the spectral lines the transceiver provides according to the claims. Therefore, the claims are amended to make this clearer, including new claims 22 and 23.

New claims 22 and 23 include the reference characters of the transceiver in the specification because it shows those in the art the continuous wave of the beacon that distinguishes it from pulses in the art. Those in the art will understand that the transceiver of Figs. 4, 5 and 6 produces a continuous wave and not a picosecond or other pulse.

The objection to claim 21 prompts putting its frequencies (see also page 5, lines 12 and 13, of the specification) into all the claims, it being appreciated that, if the fundamental frequency is in a range, the harmonics are too, whereby to be claimed "about."

The rejection of independent claims 1, 6 and 14 under 35 USC 102 from the cited Arjavalasingam or Robertson publications are traversed as well for new independent claim 22.

The Arjavalasingam publication discloses a pulse that "... contains frequency components between 0 and 150 GHz ...," but does not teach that a fundamental frequency spectral line thereof should be 450 - 480 MHz with MHz harmonics as now claimed. Indeed, the Arjavalasingam specifically introduces that components "... are useful for spectroscopy application from 15 to 130 GHz," and confirms this again for the experiment described at footnote 14. Therefore, the publication teaches away from the claims.

**PRIOR ART MUST BE CONSIDERED IN ITS
ENTIRETY, INCLUDING DISCLOSURES THAT TEACH
AWAY FROM THE CLAIMS** *MPEP* 2141.02 VI (emphasis
original)

In the Robertson publication, Figure 2 shows an amplitude spectrum at or about 0 in MHz. Figure 2 shows, therefore, that the Robertson publication also teaches away from the

claims.

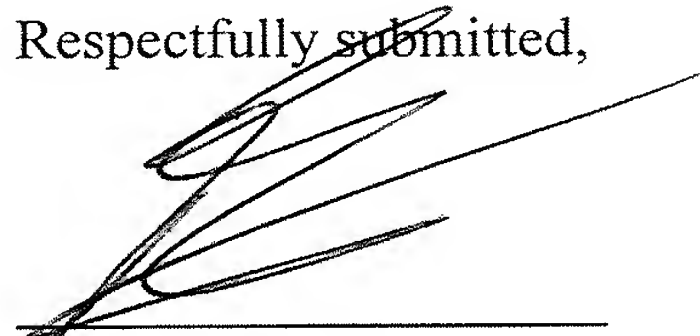
Claims 6 and 14, for example, require analysis of a continuum (see also page 4, line 5ff, of the specification). Figure 2 of the Robertson publication shows a received signal that is 0 except in the pulse that is analyzed. A 0 signal is not a continuum signal, but only a representation in the Figure that there is no signal; there is only silence if the Robertson signal were to be heard, except for the beep at its pulse. Nothing is not something, silence is not sound, like the continuum claimed. Figure 2 of the cited Robertson publication shows no continuum as in claim 6, therefore, as do Figures 1, 2 and 4 of the cited Arjavalasingam publication.

While polymers constitute an organized chemical system as noted in the Action, all the claims are recast into the Jepson or improvement form of claim 14 so that their preambles become part of the claims, including the animal-tissue method and apparatus of claims 6 and 14.

The terms in both the preamble describing the prior art and those elements constituting the improvement are substantive claim limitations 37 CFR § 1.75(e). *Wells Mfg. Corp v. Littlefuse, Inc.*, 192 USPQ 256 (7th Cir. 1976)

Reconsideration and allowance are, therefore, requested.

Respectfully submitted,



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